

L 5184

STATE OF CALIFORNIA

GEORGE DEUKMEJIAN, Governor

STATE WATER RESOURCES CONTROL BOARD

THE PAUL R. BONDERSON BUILDING

901 P Street, Sacramento, CA

(916) 324-5626

DIVISION OF WATER RIGHTS

P.O. BOX 2000, Sacramento, CA 95810



ORDER PARTIALLY REVOKING
LICENSE

LICENSE 5184 (APPLICATION 15458)

Licensee: Estate of Marion Curtner Weller

It is ordered that this license is hereby partially revoked for the reason indicated:

A request has been received from, or on behalf of, licensee that the license be partially revoked by reduction of the following:

The quantity of water allowed under License 5184 (Application 15458) is reduced from 97 acre-feet per annum to 65 acre-feet per annum.

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

Dated: APRIL 18 1985

cc: County Recorder

The above-listed license was:

☒ issued to Marion Curtner Weller and was
filed with the County Recorder of Santa Cruz County on
July 11, 1958

☐ issued to _____ and was
recorded with the County Recorder of _____ County on
_____, 19__ in Volume _____, Book _____,
Page _____.

This filing is prescribed by the Water Code and under the provisions of Section 6103 of the Government Code no fee is required.

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REGULAR MAIL

Estate of Marion Curtner Weller
c/o Wells Fargo Bank
TRED 939

P. O. Box 44002
San Francisco, CA 94144

Department of Water Resources
Division of Safety of Dams
921 11th Street
Sacramento, CA 95814

MESSSENGER - A36

Theodore R. Weller Sr.
Consulting Engineer
P. O. Box 1327
Sonoma, CA 95476

ANWBBB:tk1ndeman
4/4/85

STATE WATER RESOURCES CONTROL BOARD

THE PAUL R. BONDERSON BUILDING

901 P Street, Sacramento, CA

(916) 324-5685

DIVISION OF WATER RIGHTS

P. O. BOX 2000, Sacramento, CA 95810

ORDER PARTIALLY REVOKING
LICENSELICENSE ⁵¹⁸⁴~~5148~~ (APPLICATION 15458)

Licensee: Estate of Marion Curtner Weller

It is ordered that this license is hereby partially revoked for the reason indicated:

A request has been received from, or on behalf of, licensee that the license be partially revoked by reduction of the following:

The quantity of water allowed under License 5184 (Application 15458) is reduced from 97 acre-feet per annum to 65 acre-feet per annum.

Raymond Walsh, Chief
Division of Water Rights

Dated: MAY 28 1985

cc: County Recorder

The above-listed license was:

☒ issued to Marion Curtner Weller and was
filed with the County Recorder of Santa Clara County on
July 11, 1958

☐ issued to _____ and was
recorded with the County Recorder of _____ County on
_____, 19__ in Volume _____, Book
Page _____.

This filing is prescribed by the Water Code and under the provisions of Section 6103 of the Government Code no fee is required.

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MAILING LIST

Regular

Estate of Marion Curtner Weller
c/o Wells Fargo Bank
TRED 939
P. O. Box 44002
San Francisco, CA 94144

County Recorder
Santa Clara County
San Jose, CA 95100

A-36 IMS

Department of Water Resources
Division of Safety of Dams
921 - 11th Street
Sacramento, CA 95814

Theodore R. Weller, Sr.
Consulting Engineer
P. O. Box 1327
Sonoma, CA 95476

ANWebb:neo'brien
5-15-85

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 15458PERMIT 9601LICENSE 5184ORDER ALLOWING CHANGE IN PLACE OF USE
AND CHARACTER OF USE

WHEREAS License 5184 was issued to Marion Curtner Weller and was filed with the County Recorder of Santa Clara County on June 11, 1958, and

WHEREAS the State Water Rights Board has found that the change in place of use and character of use under said license for which petition was submitted on October 28, 1965, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said place of use and character of use in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said License 5184 to place of use described as follows, to wit:

STOCKWATERING AND RECREATIONAL USES AT RESERVOIR WITHIN
 $\frac{1}{2}$ OF $\text{NW}\frac{1}{4}$ OF PROJECTED SECTION 32, T5S, R1E, MDB&M AND
IRRIGATION AS FOLLOWS:

30 ACRES WITHIN $\text{SW}\frac{1}{4}$ OF $\text{SW}\frac{1}{4}$ OF PROJECTED SECTION 29, T5S, R1E, MDB&M.
18 ACRES WITHIN $\text{NW}\frac{1}{4}$ OF $\text{NW}\frac{1}{4}$ OF PROJECTED SECTION 32, T5S, R1E, MDB&M.
20 ACRES WITHIN $\text{SW}\frac{1}{4}$ OF $\text{NW}\frac{1}{4}$ OF PROJECTED SECTION 32, T5S, R1E, MDB&M.
22 ACRES WITHIN $\text{SE}\frac{1}{4}$ OF $\text{SE}\frac{1}{4}$ OF PROJECTED SECTION 30, T5S, R1E, MDB&M.
25 ACRES WITHIN $\text{NE}\frac{1}{4}$ OF $\text{NE}\frac{1}{4}$ OF PROJECTED SECTION 31, T5S, R1E, MDB&M.
5 ACRES WITHIN $\text{SE}\frac{1}{4}$ OF $\text{NE}\frac{1}{4}$ OF PROJECTED SECTION 31, T5S, R1E, MDB&M.

120 ACRES TOTAL

and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the character of use under said License 5184, to character of use as follows, to wit:

IRRIGATION, STOCKWATERING AND RECREATIONAL PURPOSES.

STATE OF CALIFORNIA—RESOURCES AGENCY
STATE WATER RIGHTS BOARD

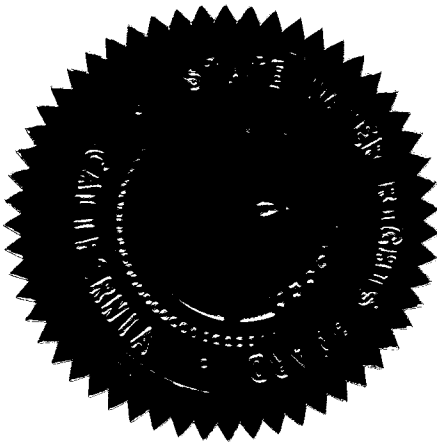
ORDER

APPLICATION 15458

PERMIT 9601

LICENSE 5184

WITNESS my hand and the seal of the State Water Rights Board of the State
of California this 11th day of January, 1966



L. K. Hill
L. K. Hill
Executive Officer

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 15458

PERMIT 9601

LICENSE 5184

THIS IS TO CERTIFY, That

Marion Curtner Weller
65 Domingo Avenue
Berkeley 5, California

Notice of Change (Over)

has made proof as of April 19, 1957

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
South Calera Creek in Santa Clara County

tributary to Calera Creek

for the purpose of irrigation use
under Permit 9601 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from August 11, 1953
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed ninety-seven (97) acre-feet
per annum to be collected from about December 1 of each year to about March 31 of
the succeeding year. Maximum rate of diversion to offstream storage has been four
and six-tenths (4.6) cubic feet per second.

The point of diversion of such water is located:
South three hundred seventy-five (375) feet and west five hundred forty (540) feet
from N $\frac{1}{4}$ corner of projected Section 32, T5S, R1E, MDB&M, being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$
of said projected Section 32.

A description of the lands or the place where such water is put to beneficial use is as follows:

30 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 29, T5S, R1E, MDB&M
18 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T5S, R1E, MDB&M
20 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 32, T5S, R1E, MDB&M
22 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 30, T5S, R1E, MDB&M
25 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 31, T5S, R1E, MDB&M
5 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 31, T5S, R1E, MDB&M
120 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

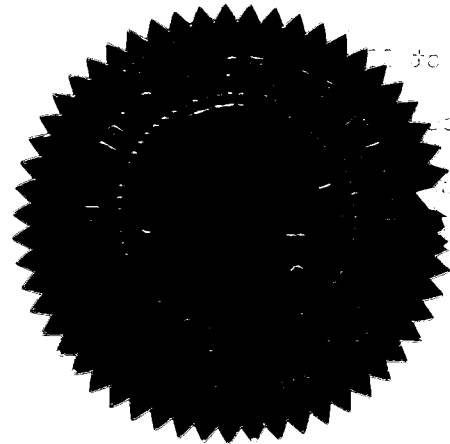
Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 9 1958

L. K. Hill
L. K. Hill
Executive Officer

2-2 9-72 Name changed to Estate
of Marion Curtner Weller



LICENSE 5184

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Marion Curtner Weller

JUN 9 1958

DATED

72849 3-58 BM ① SPO